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Leland James Wiesehuegel

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Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Telephone Interview Request

Applicant requests a telephone interview with the Examiner following receipt of this reply and amendment and prior to issuance of the next Office Action in order to answer any questions the examiner may have, and to consider any suggestions the examiner may make. Examiner is requested to contact applicant's agent, Robert H. Frantz, at 405-812-5613, to indicate a time and date when the Examiner would be available for the telephone interview.

Should the examiner find that the present amendment places the claims in a condition for allowance, applicant's request for an interview may be disregarded.

Status of Appeal

In the Office Action, applicant was notified of the examiner's decision to re-open prosecution of the patent application following the filing of a Notice of Appeal and Appeal Brief, including notification of applicant's options to either reply to the new Office Action, or to request reinstatement of the Appeal. Applicant hereby replies to the new grounds of rejection.

Rejections under 35 U.S.C. §112

In the Office Action, claims 1 - 10 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention with respect to recitation of "part numbers" and "part numbers or market identifiers" in Claims 1 and 6, which lacks proper antecedent basis.

Claims 1 and 6 have been amended to more clearly point out indexing by part numbers or market identifiers consistently. No new matter has been added. Reconsideration and withdrawal of these rejections is requested.

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Rejections under 35 U.S.C. §102(e)

In the Office Action, new grounds of rejection of Claims 1 - 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application publication 2003/0009392 to Perkowski (hereinafter "Perkowski '392").

However, Perkowski '392 was filed on January 28, 2002, which is after our filing date of January 31, 2001, by almost a year. As such, Perkowski '392 is not available as prior art under 35 U.S.C. §102(e) as it was "published under section 122(b) by another filed in the United States before the invention by the applicant". Withdrawal of the rejections of Claims 1 - 15 over Perkowski '392 is requested.

Applicant notes that Perkowski '392 claims priority as a continuation of U.S. Patent Application 09/716,848, which was filed on November 17, 2000, hereinafter referred to as "Perkowski '848". Perkowski '848 was filed before the pre-grant publication process went into effect, and as such has not been published as a patent application, and thus is not available as art under 35 U.S.C. §102(e), either. At the time of filing the present reply and amendment, Perkowski '848 has not issued as a US patent, and its status is not available via Public PAIR.

If the examiner maintains the current rejections under the same rationale, albeit likely as provisional rejections over Perkowski '848, applicant requests to be supplied with a copy of the non-published Perkowski '848 patent application. The following remarks are addressed to the technical differences between the non-prior-art Perkowski '392 disclosure, with the presumption that examiner may establish support of the relied-upon portions of Perkowski '392 in Perkowski '848 in the next Office Action. Applicant reserves the right to rebut such assertion of support depending upon examiner's reasoning relative to the disclosure of Perkowski '848.

Non-prior-art Perkowski '392 provides a system in which the "links" between information items in a catalog are updated manually, such as by system administrators (e.g. Perkowski '392 para. 0496 states dynamic changes in relationships are "carried out by a system administrator or manager"). Perkowski discloses "conventional data synchronization techniques" (para. 00437) which copy items (e.g. "import") from one database to another such that all databases contain the same information after synchronization (para. 0840 where data

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items are "imported" during synchronization). A "conventional" definition of "data synchronization" can be found at database ITToolBox.com, for example:

Database Administration > Merging/Synchronizing

...

Sub-topic definition: Merging or synchronizing data includes collecting and combining records from individual databases and transferring them into one master database from which all the data can be retrieved.

(Source: <http://www.http://database.ittoolbox.com/nav/t.asp?i=445&p=445&h1=445>)

As such, the Perkowski '392 system and method are relatively static in nature until manually modified, changed or updated, or until information is copied from each database to each other database.

Our system, by contrast, is transactional in nature, wherein the links between databases are updated in real time or on-demand (e.g. our definition of "dynamically") either in response to a specific event, such as a trader requesting sales preparation information, or upon a certain update period. In other words, our system is event-driven and automated such that all catalog information is updated on-demand without the need for human link creation or modification, as disclosed especially at pg. 12 lines 20 - 22, pg. 13 lines 4 -6 and lines 16 - 18 of our specification.

To emphasize this definition of "dynamic" as used in our claims, we have amended claims 1, 6 and 11 to specify that our step or element of dynamic linking is done "by executing a synchronization script or program triggered at predetermined time or responsive to a predetermined event". Non-prior-art Perkowski '392 is silent as to such script triggering and execution, and presumably Perkowski '898 is silent as to such teachings as well.

For these reasons, reconsideration of the rejections and allowance of Claims 1 - 15 is requested.

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